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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,445

03/19/2004

Allen Samuels

1042-003

7152

25215

7590

04/24/2006

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC, MI 48326

EXAMINER

FETSUGA, ROBERT M

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No.	Applicant(s)	
	10/804,445	SAMUELS, ALLEN	
	Examiner	Art Unit	
	Robert M. Fetsuga	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-32 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 and 16-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election without traverse of Group I, Species II in the reply filed on March 17, 2006 is acknowledged. Accordingly, claims 13, 14 and 16-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b).

Claims 10-12 are objected to as not encompassing the elected embodiment of Fig. 4 where applicant states the contrary at page 6 of the response filed March 17, 2006. Claim 10 recites "a wash basin, a sink..." which features are not associated with the embodiment of Fig. 4. Accordingly, claims 10-12 additionally are withdrawn from further consideration pursuant to 37 CFR 1.142(b).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "envelope" set forth in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

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appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the "support ring" set forth in claim 8 could not be found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

4. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art

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to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Implementation of the claimed subject matter is neither taught by the instant disclosure nor evident to the examiner.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of the claim language "and combinations thereof" is not discernable from the instant disclosure.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 4, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassberg and Wood.

The Glassberg reference discloses a device comprising: a toilet seat 28 including a fold line (Fig. 10); a receptacle 30; an adhesive (covered by 32); a protective covering 32; and a hygiene station 20,38 including a support ring 24 having a visual orientation cue 50. Therefore, Glassberg teaches all claimed elements except for the provision of a visual orientation cue on the toilet seat.

Although the toilet seat of the Glassberg hygiene device does not include a visual orientation cue, as claimed, attention is directed to the Wood reference which discloses an analogous hygiene device which further includes a toilet seat 5 having a visual orientation cue 10. Therefore, in consideration of Wood, it would have been obvious to one of ordinary skill in the hygiene device art to associate a visual orientation cue with the Glassberg toilet seat in order to facilitate handling.

8. Claims 1, 2, 4, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassberg, Thuren and Wood.

Re claim 1, although the Glassberg liner (30) does not include a visual orientation cue, as claimed, attention is directed to the Thuren reference which discloses an analogous

liner 13 which further includes a visual orientation cue 15. Therefore, in consideration of Thuren, it would have been obvious to one of ordinary skill in the liner art to associate a visual orientation cue with the Glassberg liner in order to protect the support ring visual orientation cue.

Re claim 2, although the toilet seat of the Glassberg hygiene device does not include a handle, as claimed, attention is directed to the Wood reference which discloses an analogous hygiene device which further includes a toilet seat 5 having a handle 10. Therefore, in consideration of Wood, it would have been obvious to one of ordinary skill in the hygiene device art to associate a handle with the Glassberg toilet seat in order to facilitate handling.

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassberg and Wood as applied to claim 5 above, and further in view of Howell.

Re claim 7, as best understood, the subject matter appears to be taught by the disclosure at lines 58-59 in column 1 of Glassberg.

Although the liner of the Glassberg hygiene device does not include an envelope, as claimed, attention is directed to the Howell reference which discloses an analogous hygiene device which further includes a liner 10 having an envelope 16.

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Therefore, in consideration of Howell, it would have been obvious to one of ordinary skill in the hygiene device art to associate an envelope with the Glassberg liner in order to facilitate storage.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glassberg and Wood as applied to claim 1 above, and further in view of Kunter et al.

Although the Glassberg hygiene device is not transparent, as claimed, attention is directed to the Kunter et al. (Kunter) reference which discloses an analogous hygiene device which further is transparent (col. 1 lns. 35-37). Therefore, in consideration of Kunter, it would have been obvious to one of ordinary skill in the hygiene device art to associate transparency with the Glassberg hygiene device in order to facilitate visual inspection.

11. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

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12. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", with a stylized flourish at the end.

Robert M. Fetsuga
Primary Examiner
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